

UNITED STATES DISTRICT COURT

for the

Southern District of Illinois

Jason Sanders

)

)

)

Plaintiff/Petitioner(s)

v.

Todd W. Cowell

)

Edward H. Birkner

)

Daye White

)

(Individual Capacity)

)

Defendant/Respondent(s)

Case Number:

13-258-GPM

(Clerk's Office will provide)

☒ CIVIL RIGHTS COMPLAINT

pursuant to 42 U.S.C. §1983 (State Prisoner)

☐ CIVIL RIGHTS COMPLAINT

pursuant to 28 U.S.C. §1331 (Federal Prisoner)

☐ CIVIL COMPLAINT

pursuant to the Federal Tort Claims Act,

28 U.S.C. §§1346, 2671-2680, or other law

I. JURISDICTION

Plaintiff: Jason Sanders (B-38349)

A. Plaintiff's mailing address, register number, and present place of confinement.

Pontiac C.C.
P.O. Box 99
Pontiac, Illinois
61764

Defendant #1:

B. Defendant Todd W. Cowell is employed as

(a) (Name of First Defendant)

Correctional Officer / S.O.R.T. Tactical Team

(b) (Position/Title)

with Menard C.C. Illinois Department of Corrections

(c) (Employer's Name and Address)

711 Kaskaskia St. Menard, Illinois 62259

At the time the claim(s) alleged this complaint arose, was Defendant #1 employed by the state, local, or federal government? ☒ Yes ☐ No

If your answer is YES, briefly explain: As of August 20, 2012
Todd W. Cowell was employed by the state of Illinois
Department of Corrections of Menard C.C. Held
the rank of Correctional Officer/Guard

Defendant #2:

C. Defendant Edward H. Birkner is employed as

(Name of Second Defendant)

Correctional Officer/Sergeant/S.O.R.T. Tactical Team
(Position/Title)

with Menard C.C. Illinois Department of Corrections
(Employer's Name and Address)

711 Kaskaskia St. Menard, Illinois 62259

At the time the claim(s) alleged in this complaint arose, was Defendant #2 employed by the state, local, or federal government? ☒ Yes ☐ No

If you answer is YES, briefly explain: As of August 20, 2012 Edward H. Birkner was employed by the state of Illinois Department of Corrections of Menard C.C. Held the Rank of Sergeant and Tactical Team of S.O.R.T.

Additional Defendant(s) (if any): #3 Dave White

D. Using the outline set forth above, identify any additional Defendant(s).
As of August 20, 2012 was employed as the S.O.R.T. Team Commander and Lieutenant with the Illinois Department of Corrections.
1301 Concordia Court/P.O. Box 19277
Springfield, Illinois
62794-9277
As of August 20, 2012 Dave White held the Rank of the S.O.R.T. Team Commander and Lieutenant.

*Each Defendant is sued individually and at all times mentioned in this complaint, each defendant acted under the color of state law.

II. PREVIOUS LAWSUITS

- A. Have you begun any other lawsuits in state or federal court relating to your imprisonment? ☐ Yes ☒ No
- B. If your answer to "A" is YES, describe each lawsuit in the space below. If there is more than one lawsuit, you must describe the additional lawsuits on another sheet of paper using the same outline. Failure to comply with this provision may result in summary denial of your complaint.
1. Parties to previous lawsuits:
Plaintiff(s):

Defendant(s):
 2. Court (if federal court, name of the district; if state court, name of the county):
 3. Docket number:
 4. Name of Judge to whom case was assigned:
 5. Type of case (for example: Was it a habeas corpus or civil rights action?):
 6. Disposition of case (for example: Was the case dismissed? Was it appealed? Is it still pending?):
 7. Approximate date of filing lawsuit:
 8. Approximate date of disposition:

III. GRIEVANCE PROCEDURE

- A. Is there a prisoner grievance procedure in the institution? ☒ Yes ☐ No
- B. Did you present the facts relating to your complaint in the prisoner grievance procedure? ☐ Yes ☒ No
- C. If your answer is YES,
1. What steps did you take?
 2. What was the result?
- D. If your answer is NO, explain why not. While in Menard C.C. segregation I had no access to any grievance forms.
- E. If there is no prisoner grievance procedure in the institution, did you complain to prison authorities? ☒ Yes ☐ No
- F. If your answer is YES,
1. What steps did you take? Upon my immediate transfer to Pontiac C.C. on September 19, 2012 I forwarded my grievance directly to the Administrative Review Board in Springfield, Illinois.
 2. What was the result? The grievance was ruled mixed. The misconduct of staff was affirmed by both Gina Allen of the ARB and I.D.O.C. Director S.A. Godinez.
- G. If your answer is NO, explain why not.
- H. Attach copies of your request for an administrative remedy and any response you received. If you cannot do so, explain why not:

Plaintiff Sanders (B-38349)

Pg. 1 of 3

Facts

1. At all times Relevant to this case, Plaintiff Jason Sanders was assigned to the East Cell House 1 Gallery, Cell 03, without a cell-mate.
2. On August 20, 2012 S.O.R.T. Tactical team Members, and Defendants Todd Cowell and Edward Birkner was conducting a cell search. Upon information and belief, the S.O.R.T. Team was conducting a statewide tactical operation (Above mentioned is attached to **Exhibit A**) page 1
3. Plaintiff Sanders was ordered to step out of the cell to be escorted to the East chowhall, along with other inmates from 1-Gallery where Sanders was assigned.
4. As Sanders exited his cell; Sanders was handcuffed behind his back in was ordered to walk. As Sanders walked to the best of his ability, Cowell and Birkner was informed by Sanders, that due to his disability he couldn't walk too fast.
5. After Sanders informed both Cowell and Birkner about his medical condition, as well as his Medical Permits for "Slow walk, low-bunk, low gallery, Medical lay-in, and feed in cell." (Sanders Medical Permit are attached to **Exhibit C**) Cowell and Birkner began to push Sanders in his back, then was pulled by both arms, causing Sanders to fall down to the ground as both Cowell and Birkner dragged Sanders 50 to 70 Ft. until reaching the East Chow hall.

Plaintiff Sanders (B-38349)

Pg. 2 of 3 (Continued) Facts

6. Once Cowell and BIRKNER dragged Sanders into the East Chow hall; Cowell and BIRKNER ordered Sanders to stand up and face the east chow hall wall, even though it was obvious that Sanders couldn't stand on his own due to the pain in Sanders lower back and left leg. (Sanders Medical Records of history of pain in left leg and lower back are attached to **Exhibit B**)
7. Upon forcibly standing Sanders up, facing the wall Sanders collapsed to the floor in pain.
8. When Sanders collapsed again, Cowell and BIRKNER took turns slamming Sanders head and face into the wall.
9. As Sanders endured the clearly seen abuse by unknown staff and inmates from East Cell house 1- Gallery. Sanders as a known Religious Muslim prayed to his God for help from the abuse, as Cowell and BIRKNER mockingly repeated to Sanders: "Ask Allah to help you now!" (Summary Report to above is attached as **Exhibit E**)
10. As Cowell and BIRKNER mocked Sanders Religious belief, Cowell hit Sanders on both sides of his Jaw, chipping Sanders left back tooth, which had to be removed. (The above Dental Examination and extraction is attached as **Exhibit F**)
11. After the attack by Cowell and BIRKNER, they dragged Sanders to the North 2 Cell House Segregation Unit. (The Grievance of all acts, is attached as **Exhibit D**)

Plaintiff Sanders (B-38349)

pg. 3 of 3

Facts

12. During the Statewide Tactical operation Lieutenant and team (S.O.R.T.) Commander failed to ensure staffs conducting statewide tactical operations adhere to medically issued permits while conducting operations. (Director S.A. Godinez concurrence to this negligence is attached as Exhibit A page 2)

IV. STATEMENT OF CLAIM

- A. State here, as briefly as possible, when, where, how, and by whom you feel your constitutional rights were violated. Do not include legal arguments or citations. If you wish to present legal arguments or citations, file a separate memorandum of law. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. If your claims relate to prison disciplinary proceedings, attach copies of the disciplinary charges and any disciplinary hearing summary as exhibits. You should also attach any relevant, supporting documentation.

1. Plaintiff Reallege and incorporate by reference paragraphs 1-12.
2. Defendants Cowell and Birkner used excessive force against Plaintiff Sanders by pushing and pulling Sanders to the ground, then by dragging Sanders on the ground 50-70 FT. until reaching the East Chow hall. Defendants actions violated Plaintiff Sanders Rights under the Eighth Amendment to the United States Constitution when Sanders was not violating any prison rule and was not acting disruptively, causing Plaintiff Sanders pain, suffering, and emotional distress.
3. Defendants Cowell and Birkner used Deliberate Indifference against Plaintiff Sanders by purposely ignoring Sanders Medical issued Permits to "Slow walk, Medical lay-in, etc. then by pushing Sanders until he fell to the ground, then dragging Sanders 50-70 FT. to the East Chow hall, violating Plaintiff Sanders Rights under the Eighth Amendment to the U.S. Constitution and causing Sanders pain, suffering, physical injury and emotional distress. Plaintiff Sanders was not violating any prison rule, nor disruptively in any way.
4. Defendants Cowell and Birkner again used excessive force and deliberate indifference against Plaintiff Sanders by forcibly standing Sanders up, facing the East Chow hall wall until Sanders collapsed to the floor multiple time due to his known medical condition and by being dragged 50-70 FT. by both Defendants.
5. Defendants Cowell and Birkner used excessive force by slamming Sanders head and face into the wall, Sanders Eighth Amendment Rights was violated by these actions.
6. Defendant Cowell and Birkner used discriminatory and anti-Muslim comments against Plaintiff Sanders, violating his Fourteenth Amendment under the U.S. Constitution by mockingly saying: "Ask Allah to help you now!" as Defendant Cowell hit Plaintiff repeatedly on Sanders Jaw area, causing Sanders left back tooth to chip and had to be removed violating Sanders Eighth Amendment right of the U.S. Constitution.
7. Defendant Dave White, by not ensuring staffs to adhere to Medically issued Permits. Defendant Dave White is also violating Plaintiff Sanders Rights under the Eighth Amendment to the United States Constitution.

V. REQUEST FOR RELIEF

State exactly what you want this court to do for you. If you are a state or federal prisoner and seek relief which affects the fact or duration of your imprisonment (for example: illegal detention, restoration of good time, expungement of records, or parole), you must file your claim on a habeas corpus form, pursuant to 28 U.S.C. §§ 2241, 2254, or 2255. Copies of these forms are available from the clerk's office.

1. Granting Plaintiff Sanders a declaration that the acts and omission described herein violates his rights under the Constitution and laws of the United States.
2. Compensatory damages in the amount of \$20,000 against each defendant, jointly, and severally.
3. Punitive damages in the amount of \$5,000 against each defendant.
4. A Jury trial on all issues triable by jury.
5. Any additional relief this court deems just, proper, and equitable.

VI. JURY DEMAND (check one box below)

The plaintiff ☒ does ☐ does not request a trial by jury.

DECLARATION UNDER FEDERAL RULE OF CIVIL PROCEDURE 11

I certify to the best of my knowledge, information, and belief, that this complaint is in full compliance with Rule 11(a) and 11(b) of the Federal Rules of Civil Procedure. The undersigned also recognizes that failure to comply with Rule 11 may result in sanctions.

Signed on: March 14, 2013
(date)

Jason Sanders
Signature of Plaintiff

700 W. Lincoln St. P.O. Box 99
Street Address

Jason Sanders
Printed Name

Pontiac, IL 61764
City, State, Zip

B-38349
Prisoner Register Number

Signature of Attorney (if any)

From: Brian Smiley (LB-34347) NCH 713
To: Library (electronic filing program)

- Exhibits -
A, B, C, D, E, and F
To be sent to

U.S. District Court.
* Southern District of Illinois *

with Complaint



Illinois
Department of
Corrections

Exhibit
A

PAT QUINN
Governor

S.A. GODINEZ
Director

1301 Concordia Court / P.O. Box 19277 / Springfield IL 62794-9277 / Telephone: (217) 558-2200 / TDD: (800) 526-0844

October 22, 2012

Jason T. Sanders
Register No. B38349
Pontiac Correctional Center

Dear Mr. Sanders:

This is in response to your grievance received on October 2, 2012, regarding a disciplinary report dated August 20, 2012 and Staff Conduct on same date, which was alleged to have occurred at Menard Correctional Center. This office has determined the issue will be addressed without a formal hearing.

Your written grievance dated September 29, 2012 regarding above issues has been reviewed. You state on August 20, 2012 members of the S.O.R.T Team conducted a shakedown on your cell and were unprofessional in their actions and did not honor your medical permits for a cane, slow walk, low bunk, low gallery, medial Lay in and Feed in cell. You request the disciplinary report and sanctions be expunged as you did not refuse to assist members but you were unable to walk. You provide a copy of some medical records and a recent order updating permits.

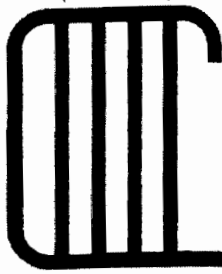
This office has reviewed disciplinary report 201201706/J-MEN, written by CO Cowell, citing you for the offense(s) of 601.Attempt/102-Assaulting Any Person-staff and 403-Disobeying A Direct Order. A review of the Adjustment Committee summary dated August 23, 2012 indicates you were found guilty of the charge(s). Recommended discipline was: 1 year C Grade, 1 year Segregation, Revocation 6 months GCC, 1 year Commissary Restriction and 6 months Contact Visits Restriction. The Chief Administrative Officer concurred with the recommendation August 24, 2012.

This office contacted medical records staff and records show offender did have from July 20, 2012 to July 20, 2013 medical permits for: low bunk, low gallery, medical lay in, slow walk and feed in cell. Records also show a side note offender may use a quad cane; however, this is a note from Western Illinois Correctional Center and not one from Menard Correctional Center. There is no verifiable order/permit for a cuff in front.

- * This office has been advised the shakedown at Menard Correctional Center on August 20, 2012 was conducted by the S.O.R.T team and was a statewide tactical operation.

This office contacted Lt. J. Lashbrook regarding this incident and was told the incident was witnessed by Sgt. Birkner, offenders are escorted by tactical team members, cuffed behind the back and supported by one team member on each side of the offender. Regarding the removal of cuffs (pulled over wrist/hands without unlocking/opening) the lieutenant reported this would be virtually impossible (offender is 5'11", 222 lbs) and denies the over-tightening allegations as well.

- * Based on a total review of all available information and a compliance check of the procedural due process safeguards outlined in DR504, however recommends the grievance be ruled mixed. Denied is expungement of disciplinary report this office is reasonably satisfied the offender committed the offenses and sanctions are within



Illinois
Department of
Corrections

Exhibit
A

PAT QUINN
Governor

S.A. GODINEZ
Director

1301 Concordia Court / P.O. Box 19277 / Springfield IL 62794-9277 / Telephone: (217) 558-2200 / TDD: (800) 526-0844

October 22, 2012

Jason T. Sanders
Register No. B38349
Pontiac Correctional Center

Dear Mr. Sanders:

This is in response to your grievance received on October 2, 2012, regarding a disciplinary report dated August 20, 2012 and Staff Conduct on same date, which was alleged to have occurred at Menard Correctional Center. This office has determined the issue will be addressed without a formal hearing.

Your written grievance dated September 29, 2012 regarding above issues has been reviewed. You state on August 20, 2012 members of the S.O.R.T Team conducted a shakedown on your cell and were unprofessional in their actions and did not honor your medical permits for a cane, slow walk, low bunk, low gallery, medial Lay in and Feed in cell. You request the disciplinary report and sanctions be expunged as you did not refuse to assist members but you were unable to walk. You provide a copy of some medical records and a recent order updating permits.

This office has reviewed disciplinary report 201201706/i-MiEN, written by CO Cowell, citing you for the offense(s) of 601.Attempt/102-Assaulting Any Person-staff and 403-Disobeying A Direct Order. A review of the Adjustment Committee summary dated August 23, 2012 indicates you were found guilty of the charge(s). Recommended discipline was: 1 year C Grade, 1 year Segregation, Revocation 6 months GCC, 1 year Commissary Restriction and 6 months Contact Visits Restriction. The Chief Administrative Officer concurred with the recommendation August 24, 2012.

This office contacted medical records staff and records show offender did have from July 20, 2012 to July 20, 2013 medical permits for: low bunk, low gallery, medical lay in, slow walk and feed in cell. Records also show a side note offender may use a quad cane; however, this is a note from Western Illinois Correctional Center and not one from Menard Correctional Center. There is no verifiable order/permit for a cuff in front.

- * This office has been advised the shakedown at Menard Correctional Center on August 20, 2012 was conducted by the S.O.R.T team and was a statewide tactical operation.

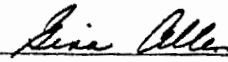
This office contacted Lt. J. Lashbrook regarding this incident and was told the incident was witnessed by Sgt. Birkner, offenders are escorted by tactical team members, cuffed behind the back and supported by one team member on each side of the offender. Regarding the removal of cuffs (pulled over wrist/hands without unlocking/opening) the lieutenant reported this would be virtually impossible (offender is 5'11", 222 lbs) and denies the over-tightening allegations as well.

- * Based on a total review of all available information and a compliance check of the procedural due process safeguards outlined in DR504, however recommends the grievance be ruled mixed. Denied is expungement of disciplinary report this office is reasonably satisfied the offender committed the offenses and sanctions are within

Exhibit A

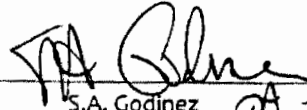
the maximum recommendations allowed by DR504. ^{*} Affirmed is staffs misconduct when escorting offender on said date.

FOR THE BOARD:



Gina Allen
Administrative Review Board
Office of Inmate Issues

* I CONCUR: The S.O.R.T team commander is to ensure staffs conducting statewide tactical operations adhere to medically issued permits while conducting operations.

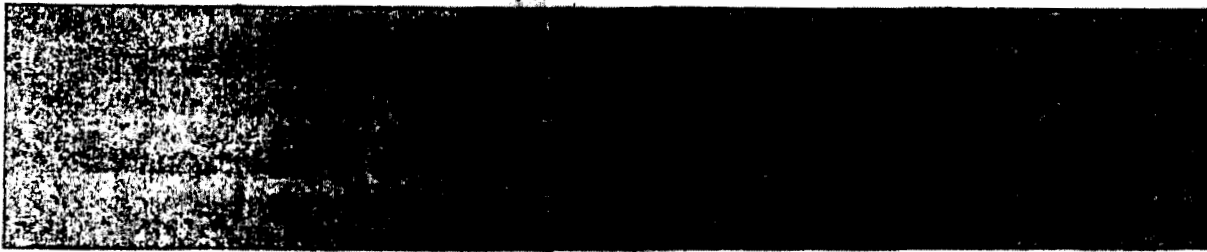


S.A. Godínez
Director

10/25/12

cc: Warden Randy Pfister, Pontiac Correctional Center
Lt. Dave White, S.O.R.T Team Commander, Concordia
Jason T. Sanders, Register No. B38349

Exhibit C



Offender Name: _____

Number: _____

Housing Unit: _____

<input type="checkbox"/> New Order	<input type="checkbox"/> Change	
<input type="checkbox"/> Renewal	<input type="checkbox"/> Cancel	
<input type="checkbox"/> Low Bunk	<input type="checkbox"/> Slow Walk	<input type="checkbox"/> Hearing Aid
<input type="checkbox"/> Low Gallery (A/B)	<input type="checkbox"/> Double Cuff	<input type="checkbox"/> Front Cuff
<input checked="" type="checkbox"/> Medical Lay-In	<input type="checkbox"/> Feed-In Cell	<input type="checkbox"/> No Yard
<input type="checkbox"/> Shower on Gallery	<input type="checkbox"/> C-Pap Machine	<input type="checkbox"/> Heel Cup
<input type="checkbox"/> Knee Sleeve/Brace Size: _____	<input type="checkbox"/> Scrotal Support Size: _____	<input type="checkbox"/> TED hose Size: _____
<input type="checkbox"/> Neck Collar Size: _____	<input type="checkbox"/> Mouthguard/ Cup	<input type="checkbox"/> No Work
<input type="checkbox"/> Other: _____		
Start Date: _____ Expiration Date: _____		

Authorized By: _____
MD _____

Date: _____

I understand that if this permit is found altered; a disciplinary report will be written with termination of this permit. I also understand that it is my responsibility to maintain this permit in good condition and to produce to proper authority when requested.

Offender Signature: _____

Distribution: White Copy: Medical Records/OTS:
☐ Placement
☐ Call House Sgt.
☐ DON Secretary
 Yellow Copy: Offender

MEN 0021 (Eff. 12/2010)
 (Replaces DCA 2007 and DCA 16435)

"Printed on Recycled Paper"

STATE OF ILLINOIS -- DEPARTMENT OF CORRECTIONS

ADJUSTMENT COMMITTEE
FINAL SUMMARY REPORT

Name: SANDERS, JASON T IDOC Number: B38349 Race: BLK
Hearing Date/Time: 8/23/2012 09:18 AM Living Unit: PON-N-07-40 Orientation Status: N/A
Incident Number: 201201708/1 - MEN Status: Final

Date	Ticket #	Incident Officer	Location	Time
8/20/2012	201201708/1-MEN	COWELL, TODD W	EAST DINING ROOM	01:30 PM

Offense	Violation	Final Result
601.Attempt/102	Assaulting Any Person - Staff <i>Comments: tried to bite r/o</i>	Guilty
403	Disobeying A Direct Order	Guilty

Witness Type	Witness ID	Witness Name	Witness Status
--------------	------------	--------------	----------------

No Witness Requested

RECORD OF PROCEEDINGS

INMATE SANDERS PLED NOT GUILTY TO THE CHARGES, WRITTEN STATEMENT WAS GIVEN.

BASIS FOR DECISION

BASED ON, INMATE SANDERS B38349 FAILED TO COMPLY WITH A DIRECT ORDER GIVEN BY R/O TO STAND AND FACE THE WALL. SANDERS KEPT DROPPING TO THE FLOOR AND PRAYING. R/O WAS ASSISTING ESCORTING SANDERS TO SEG. WHEN SANDERS TRIED SEVERAL TIMES TO BITE R/O. I.D. BY I.D. CARD AND OTS. WITNESS SGT. BIRKNER STATED I.D.R. IS CORRECT WAS WRITTEN.

DISCIPLINARY ACTION (Consecutive to any priors)

RECOMMENDED

1 Year CGrade
1 Year Segregation
Revoke GCC or SGT 6 Months
1 Year Commissary Restriction
6 Months Contact Visits Restriction

Basis for Discipline: NATURE OF OFFENSE

FINAL

1 Year CGrade
1 Year Segregation
Revoke GCC or SGT 6 Months
1 Year Commissary Restriction
6 Months Contact Visits Restriction

Signatures

Hearing Committee

VEATH, TIMOTHY R - Chair Person

08/23/12

WHI

Signature

Date

Race

ANTHONY, BRANDON M

08/23/12

BLK

Signature

Date

Race

Recommended Action Approved

Final Comments: N/A

STATE OF ILLINOIS -- DEPARTMENT OF CORRECTIONS**ADJUSTMENT COMMITTEE****FINAL SUMMARY REPORT**

Name: SANDERS, JASON T	IDOC Number: B38349	Race: BLK
Hearing Date/Time: 8/23/2012 09:18 AM	Living Unit: PON-N-07-40	Orientation Status: N/A
Incident Number: 201201708/1 - MEN	Status: Final	

RICHARD HARRINGTON / RH 8/24/2012

Chief Administrative Officer

Signature08/24/12Date

The committed person has the right to appeal an adverse decision through the grievance procedure established by Department Rule 504: Subpart F.

REBECCA A COWAN

Employee Serving Copy to Committed Person

8/27/201208:00 AMWhen Served -- Date and Time

1-101
Exhibit FD
MENT OF CORRECTIONS

Inmate/Student I.D.#

Reception Facility —

NRC 07/30/2010

DOB:
 Sex:

DOB: 12/07/1973

DOB: 12/01/1975
Sex: Male
Currently at R&C

94

receiving institution

☐ Schedule immediately at receiving institution

Screening
DDS sig

Public Health Classification Screening Dates

Endodontics				
Oral Surgery				via
Periodontics		THP		
Operative		THP		15, 22, 30
Prosthetic				

Dentist

Date _____

MEDICAL HISTORY AND REMARKS

	Yes	No	Current Medication
Cardio Vascular Disease	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Pulmonary Disease/Asthma	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Diabetes	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Epilepsy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Hepatitis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
I.D. (Type _____)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Allergies (Type _____)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

ADULT

EXISTING RESTORATIONS & MISSING TEETH

32	31	30	29	28	27	26	25	24	23	22	21	20	19	18	17
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16

JUVENILE

Existing Restorations and Missing Teeth

Treatment Needed and Completed Restorations

out Dr.?

1
2
3
4

TREATMENT NEEDED - COMPLETED RESTORATIONS

Exhibit E

Handwriting practice sheet for the letter 'A'. The sheet is divided into three main sections, each containing three rows of practice lines. The first section (rows 1-9) shows the letter 'A' in its basic form. The second section (rows 10-18) shows the letter 'A' with a small 'a' written below it. The third section (rows 19-27) shows the letter 'A' with a small 'a' written below it, and a small 'A' written to the right of the 'a'. The rows are numbered 1 through 27 on the right side of the page.

844

- *Description of all events.

Exhibit
"D"

Date: <u>8-30-2012</u>		ID#: <u>B-38347</u>	
Present Facility: <u>Marion Correctional Center</u>		Facility where grievance issue occurred: <u>Marion Correctional Center</u>	

NATURE OF GRIEVANCE:

<input type="checkbox"/> Personal Property	<input type="checkbox"/> Mail Handling	<input type="checkbox"/> Restoration of Good Time	<input checked="" type="checkbox"/> ADA Disability Accommodation
<input checked="" type="checkbox"/> Staff Conduct	<input type="checkbox"/> Dietary	<input checked="" type="checkbox"/> Medical Treatment	<input type="checkbox"/> HIPAA <u>Other Laws, Decree</u>
<input type="checkbox"/> Transfer Denial by Facility	<input type="checkbox"/> Transfer Denial by Transfer Coordinator	<input type="checkbox"/> Other (specify): <u>Violation</u>	

☒ Disciplinary Report: 2 8/30/2012 Marion Correctional Center
Date of Report Facility where issued

Note: Protective Custody Denials may be grieved immediately via the local administration on the protective custody status notification

Complete: Attach a copy of any pertinent document (such as a Disciplinary Report, Shakedown Record, etc.) and send to:

Counselor, unless the issue involves discipline, is deemed an emergency, or is subject to direct review by the Administrative Review Board.
Grievance Officer, only if the issue involves discipline at the present facility or issue not resolved by Counselor.
Chief Administrative Officer, only if **EMERGENCY** grievance.
Administrative Review Board, only if the issue involves transfer denial by the Transfer Coordinator, protective custody, involuntary administration of psychotropic drugs, issues from another facility except personal property issues, or issues not resolved by the Chief Administrative Officer.

Summary of Grievance (Provide information including a description of what happened, when and where it happened, and the name or identifying information for each person involved): On Aug 30, 2012 while being transported by two Correctional Officers dressed in full orange tactical gear from my cell (A-1-03) "Protective Custody" during a shakedown and after informing the officers that I have trouble walking fast without my walking cane which I'm not allowed to have even though it's on my medical records stating: I am required to use a cane to walk because of a major injury to my left leg which is also on my medical file. I also stated to the two officers that I have a "low quality bottom bunk and slow walk" permit, which is also on my medical file. I again stated to the two officers; that on 8/13/2012 I was seen by Dr. Shepard here at Marion CC, concerning

Relief Requested: _____

☐ Check only if this is an **EMERGENCY** grievance due to a substantial risk of imminent personal injury or other serious or irreparable harm to self

Jasen Brindley B-38347 8/30/2012
Offender's Signature ID# Date

(Continue on reverse side if necessary)

Counselor's Response (if applicable)

Date: _____
 Received: _____ ☐ Send directly to Grievance Officer ☐ Outside jurisdiction of this facility. Send to Administrative Review Board, P.O. Box 19277, Springfield, IL 62794-9277

Response: _____

Print Counselor's Name Counselor's Signature Date of Response

EMERGENCY REVIEW

Date: _____
 Received: _____ Is this determined to be of an emergency nature? ☒ Yes, expedite emergency grievance ☐ No, an emergency is not substantiated. Offender should submit this grievance in the normal manner.

Chief Administrative Officer's Signature Date

Page 2

ILLINOIS DEPARTMENT OF CORRECTIONS
OFFENDER'S GRIEVANCE (Continued)

on 7-Feb I had taken video (p. 7-30-2012) indicating that I have a condition in my lower back, therefore it isn't possible for me to walk that extended for a normal length of time without falling. After explaining this to the two officers, they both disregarded my known disability in dragging me all the way over to the East Chow Hall (50-70 FT) which was both my legs and back, to hurt, while handcuffed behind my back, this is why when I was ordered by S. T. Cowell #3692 to face the wall I collapsed to the floor, not to disobey a direct order. Once I collapsed S. T. Cowell and Sgt. Edward H. Birkner took turns slamming my face into the wall demanding that I stand up and face the wall, even though I cried out in pain that I can't because of the severe pain in my legs and back, so I pleaded to find to help me. I felt that was the only help I could get as the other staff of Correctional Officers and inmates watched S. T. Cowell and Sgt. Edward H. Birkner hit me with their fists on my left and right jaw area and stomach as they both knowingly repeated "Ask Allah to help you now." When both S. T. Cowell and Sgt. Edward H. Birkner noticed other staff (officers) and inmates in the East Chow Hall were looking and witnessing their unjust and cruel actions, they hurried to pick me up dragging me out of the east chow hall, which has video recorded coverage inside where this all took place, dragging and choking me unmercifully as they both engaged in conversation on how to justify their clear abusive behaviour on a disabled inmate, which was made known to them both. They both agreed to say: I tried to bite S. T. Cowell, then again I tried to bite S. T. Cowell as they both dragged me approximately 100-150 FT to North 2 Cell House segregation unit, charging me falsely with a offense (60-Attempt, 10-1): Assaulting any person - Staff and a (40-3-Disobeying a Direct Order) I never "attempted" to bite S. T. Cowell, nor did I disobey any "Direct order" that was shown I couldn't do, due to my "Known" medical condition. I was never given any medical attention after this savage attack, which was "Affirmed" by Gina Allen of the Administrative Review Board, Office of Inmate Issues, and Director of Illinois Department of Corrections S. A. Godinez. On 8/28/12 I was immediately transferred to Pontiac Jail where I exhausted all my Administrative Remedies.

OneRadiology
Normal, IL 61761
Date: July 24, 2012

Exhibit
B
Page - 1

(TURN OVER)

Patient: Sanders, Jason
ID#: B38349
DOB: 12/7/73
Ordered by: Dr. Sheperd
Menard Correctional Center

LUMBAR SPINE THREE VIEWS 7/20/2012

HISTORY: Chronic low back pain and difficulty ambulating.

FINDINGS: There is narrowing of the disc at L5-S1 level, L3-4 and L4-L5 level.

There is no compression fracture or subluxation.

Signed _____
N. Yousuf, M.D.

NY: eg
DIC: 7/24/2012
Films from Menard Correctional Center

M.D. Review
Date 7/31/12
Doctor car
Pull Chart ✓
See Patient ✓
File ✓

7-31-12

OneRadiology
Normal, IL 61761
Date: 09/17/12

Exhibit B
Page 2

Patient: Sanders, Jason
ID#: B38349
DOB: 12/07/73
Ordered by: Dr. Shepherd
Menard Correctional Center

LEFT KNEE, TWO VIEWS 09/13/2012:
LEFT FOOT, THREE VIEWS 09/13/2012:
LEFT ANKLE, THREE VIEWS 09/13/2012:

HISTORY: Previous ORIF; knee and ankle pain.

* FINDINGS: There is an intramedullary rod within the tibia employed for prior fracture of the mid shaft of the tibia.

There is also a healed fracture of the mid shaft of the fibula.

There is no acute regional bony fracture.

The ankle is intact.

The bony structures of the left foot are also intact.

Signed ly
N. Yousuf, M.D.

NY: cah
DIC: 09/17/12
Films from Menard Correctional Center

received
9-19-12

M.D. Review
Date 9/17/12
Doctor ly
Pull Chart ly
See Patient ly
File ly